

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW HAMPSHIRE

DANA ALBRECHT,

Plaintiff,

v.

KATHLEEN STERNENBERG, IN HER OFFICIAL
CAPACITY AS A GUARDIAN AD LITEM
APPOINTED TO SERVE IN THE NEW HAMPSHIRE
CIRCUIT COURT, FAMILY DIVISION; BRUCE F.
DALPRA, IN HIS OFFICIAL CAPACITY AS A
FORMER MARITAL MASTER IN THE NEW
HAMPSHIRE CIRCUIT COURT, FAMILY
DIVISION; JULIE A. INTROCASO, IN HER
OFFICIAL CAPACITY AS A FORMER JUDGE IN
THE NEW HAMPSHIRE CIRCUIT COURT,
FAMILY DIVISION; MARK S. DERBY, IN HIS
OFFICIAL CAPACITY AS A JUDGE IN THE NEW
HAMPSHIRE CIRCUIT COURT, FAMILY
DIVISION; DAVID D. KING, IN HIS OFFICIAL
CAPACITY AS AN ADMINISTRATIVE JUDGE OF
THE NEW HAMPSHIRE CIRCUIT COURT; AND
NEW HAMPSHIRE JUDICIAL BRANCH,

Docket No. 1:23-cv-00381-JL-
TSM

Defendants.

KATHLEEN STERNENBERG’S MOTION TO DISMISS¹

Defendant, Kathleen Sternenberg (“Sternenberg” or “Defendant”), by and through her counsel, Morrison Mahoney LLP, respectfully submits this Motion to Dismiss Plaintiff’s Complaint for Civil Rights Violations, and Declaratory Judgment, and states as follows:

1. In his complaint, Plaintiff Dana Albrecht asserts seven federal law claims against Sternenberg, in her official capacity as court-appointed GAL, arising out of Sternenberg’s alleged

¹ In filing this motion to dismiss and accompanying memorandum of law, Sternenberg expressly reserves the right to raise other affirmative defenses as may be applicable in the course of this proceeding.

conduct and inaction as a court-appointed GAL during the pendency of Plaintiff's family law case before the New Hampshire Circuit Court. See generally (Doc. 1.)

2. Based on the contemporaneously filed memorandum of law, the Court should grant Sternenberg's motion to dismiss because Sternenberg, as a duly appointed GAL through the New Hampshire Circuit Court, is absolutely immune from suit for the complained of conduct under the doctrine of absolute quasi-judicial immunity. See Fed. R. Civ. P. 12(b)(6); Local Rule 7.1(a)(2).

3. Due to the dispositive nature of this motion, concurrence was not sought. Local Rule 7.1(c).

WHEREFORE Defendant Kathleen Sternenberg respectfully requests that the Court:

- A. Grant her motion to dismiss for the reasons set forth in her accompanying memorandum of law;
- B. Dismiss Plaintiff's complaint against her with prejudice; and
- C. Grant such other relief that is just.

Respectfully submitted,

Kathleen Sternenberg, in her official capacity as
a Guardian ad Litem appointed to serve in the
New Hampshire Circuit Court, Family Division

MORRISON MAHONEY LLP

By /s/ Linda M. Smith
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on the following persons on this date in the manner specified herein:

Conventionally Served:

Dana Albrecht
131 Daniel Wester Hwy, #235
Nashua, NH 03060

/s/ Linda M. Smith

Linda M. Smith, #265038

Edwin F. Landers, Jr., #17297